31 - 1942

Tribune
Philadelphia, Pa.

# William B. Hannum Lone Negro On Special Panel

SEP 19 1942

**The job of helping to ferret out from their "rat holes" all Axis "Fifth Columnists", saboteurs and spies in the North Philadelphia area has been entrusted to William B. Hannum, Jr., of 560 north 19th street, a postal clerk, widely knon churchman and member of the Committee of Management of the Christian Street Branch of the YMCA.**

This was learned last week when Hannum was listed as a member of the special Federal Grand Jury here, which began the most exhaustive spy investigation yet undertaken in the United States.

SEP 19 1942

*Inquiry National*

The inquiry, delving into the activities of Axis spies, saboteurs, and other enemy agents, has been declared by the Government to have "national and international ramifications."

The special panel, consisting of nine men and 14 women, of which Hannum is the lone Negro, represents a cross section of American life.

Hannum is a trustee of the First Colored Wesley Methodist Church, Fitzwater and Mole streets, and was chairman of the successful campaign for the Home for Aged and Infirm Colored People, 44th street and Girard avenue, two years ago.

—A Colored Judge—

Daily World
Atlanta, Ga.

# Southern Daily Backs Negroes For Jury Duty

SEP 20 1942

## Argues Race Has Not Been Given Justice In Courts

SEP 20 1942

DALLAS—(ANP)—Calling attention to the inclusion of a Negro on the Dallas County grand jury last Saturday for the first time in the history of the county, the Dallas Morning News (speaking out pointedly and bluntly in an editorial Tuesday morning, advocates inclusion of Negroes as the usual thing for southern states who have for decades denied Negro citizens their constitutional rights.

SEP 20 1942

"The placing on the grand jury Morning News editorial follows:

"The placing of the grand jury of a Negro for the first time in the history of Dallas county may go against the grain of some of those who are steeped in the southern tradition. But, the mere fact that this is the first instance of a Negro on the grand jury in this county during the long interval between adoption of the post-Civil war amendments and the present is sufficient answer. The Negro has been denied his right under the constitution, and the only answer is compliance. From a strictly practical viewpoint, of course, there must be compliance because of the recent ruling of the United Supreme Court. To refuse would mean simply the suspension of punishment of Negro offenders against the law. Wise thought and political leadership in the South should have made unnecessary the recent coercive court ruling.

SEP 20 1942

"This ruling should be adopted by the southern people as a challenge to work out their own racial problem unless it is to be worked out for them. It really is not a difficult problem if southerners will approach in the light of fairness and equity under the constitution in many respects, southerners have done themselves and injustice in our courts can be proven in making an unnecessary bugaboo of the race problem. The Negroes have not gotten justice in our courts can be proven a thousand times over by statistics on the relative prison terms given white and black offenders for the varying degrees of crime.

SEP 20 1942

"The trouble with southern thinking is that prejudice dating back to the hatred, bitterness and tragedy of the Civil war has been mixed with a southern tradition and concept has in many respects is entirely justifiable. It is not hard to say when justice is being done under the laws and the Constitution of our democracy. When southerners of their own accord resolve that the Negro shall have this sort of justice, the entire problem will very largely solved."

Birmingham, Ala. News
October 19, 1942

# Voice Of The People

*Letters are invited and welcomed. Writing should be on one side of the paper and should not exceed 300 words. Anonymous communications will not be printed and letters unaccompanied by self-addressed, stamped envelope will not be returned. The News reserves the right to shorten letters of excessive length.*

### JURIES

To the Editor The News:

What about juries? I refer to the Alabama jury system. In practically every jury trial one side or the other, sometimes both sides, endeavor to strike off every sensible and intelligent juror on the venire, and for the purpose, of course, in order that there may be left, as a jury to try the case, 12 ignoramuses whom they may influence or mislead or to whose prejudice and bias they may appeal. And then the defendant in a criminal case, regardless of his intelligence or character, has the sweet consolation that he is being tried by a "jury of his peers."

Negroes, under the law in Alabama as decided by the Supreme Court of the United States in the Scottsboro cases, may sit on juries, but a white woman in Alabama is not eligible for jury duty. For my part I prefer a good Christian mother, or any good and sensible woman, on a jury than some of these male swamp rabbits that sometimes find their way into the jury box.

It is high time for the Legislature of Alabama to recognize the fact that our women in this state possess just as good, and in many instances better, qualifications for jury service as do the men of this state. And it is high time that Alabama adopt a jury system whereby men of character, intelligence and honesty will constitute, as nearly as possible, the venires, in order that property rights, liberty and justice may be protected and safeguarded.

Gadsden, Ala. L. B. RAINEY.

31-1942
Washington Post
Washington, D. C.

# Negro Was to Be Executed Jan. 8; New Trial Ordered

DEC. 2, 1942

The United States Court of Appeals yesterday reversed, by a 2-1 vote, the District Court conviction of Roland J. Lindsey, 21, Negro, on charges of raping an 18-year-old girl after assaulting her 31-year-old soldier escort July 19, 1941. Lindsey had been scheduled to be electrocuted January 8.

At the same time, Associate Justice Harold M. Stephens, who wrote the opinion, expressed the view that the appellate tribunal should certify to the Supreme Court the question of the constitutionality of a District law permitting a jury to recommend the death penalty in rape cases.

Justice Wiley Rutledge concurred in the significant decision, on other grounds, with Justice Henry W. Edgerton writing the dissenting opinion. Both disagreed with the recommendation for Supreme Court consideration of the rape statute's validity.

In reversing the conviction and ordering a new trial, the court upheld the contention of Defense Attorneys James G. Tyson and Richard R. Atkinson that they had been thrice deprived unjustly of the opportunity to cross-examine two psychiatrists testifying for the Government. On one occasion during the trial, the opinion said, cross-examination of one of the physicians was interrupted on a Government objection, though the questioning was intended to test the dependability of prosecution evidence.

The Government testimony in this instance involved an assertion that Lindsey was sane at the time of the alleged crimes. It was testified that psychotic tendencies in cases of mental deficiency were merely temporary.

Justice Stephens also set forth that the trial judge's instructions to the jury had omitted relevant defense contentions. He wrote in part:

DEC. 2, 1942

"No verdict of guilty can properly be reached under our system of law without a trial in which the rights of the defendant, which are guaranteed by the law, are adequately protected."

Justice Rutledge, in concurring with Stephens, agreed that cross-examination had been "unduly limited" at one point, but held that the trial judge's instructions to the jury had not been "reversibly erroneous in any respect."

Dissenting from the majority opinion, Justice Edgerton held that the lower court had rightly assumed that "there was no substantial evidence favorable to the appellant" on any controversial issues.

On the question of the constitutionality of the jury's recommendation of death, Justice Edgerton pointed out that the appeals court only recently rejected the same contention as that raised in the Lindsay case. He also referred to a Supreme Court decision upholding a statute authorizing the jury to choose between a life sentence and the death penalty.

181(4)-1942

31-1942

# Dallas Sentinel Defies U.S. Court

JUN 27 1942

Houston, Texas

By CARTER WESLEY

Dallas.—It looks as though Judge Grover Adams and the Grand Jury Commission, composed of E. P. Simmons, Ted B. Ferguson and E. D. Elliott, have decided to defy the considered opinion of the Supreme Court of the United States. For, despite the holding of that august tribunal that the manner in which the Dallas commission goes about excluding Negroes from the grand jury makes grand juries illegal, so far as their indictment of Negroes is concerned, the same procedure has been followed again and Negroes have been deliberately omitted from the grand jury which will be empanelled July 6.

Local dailies quote Judge Adams as saying that he has not yet seen a copy of the decision of the Supreme Court in Henry Allen Hill v. the State of Texas, in which that court set aside an indictment and conviction of Hill because Negroes had been excluded from the grand jury in Dallas. That seems strange, for the copies had been readily available and this office has had a copy in hand for weeks. Can it be that the Judge doesn't want to see the decision? Is it possible that a decision affecting grand juries, which he is to preside over, by the Supreme Court of the United States, would not be important enough for him to go out of his way to get a copy before he empanelled another grand jury?

For the benefit of the Judge and other interested citizens in Dallas, we quote from the Supreme Court's decision in the Hill case:

"As we pointed out in Smith v. Texas, supra, 131, chance or accident could hardly have accounted for the continuous omission of Negroes from the grand jury lists for so long a period as sixteen years or more. The jury commissioners, although the matter was discussed by them, consciously omitted to place the name of any Negro on the jury list. They made no effort to ascertain whether there were within the county, members of the colored race qualified to serve as jurors, and if so, who they were."

We quote again a passage which follows very closely after the above:

"They thus failed to perform their constitutional duty—recognized by Article 4 of the Civil Rights Act of March 1, 1875, 8 U.S.C., Article 44, and fully established since the decision in 1881 of Neal v. Delaware, supra—not to pursue a course of conduct in the administration of their office which would operate to discriminate in the selection of jurors on racial grounds. Discrimination can arise from the action of commissioners who exclude all Negroes whom they do not know to be qualified and who neither know nor seek to learn whether there are in fact any qualified to serve. In such a case discrimination necessarily results where there are qualified Negroes available for jury service. With the large number of colored male residents of the county who are literate, and in the absence of any countervailing testimony, there is no room for inference that there are not among them householders of good moral character, who can read and write, qualified and available for grand jury service."

Again,

"We thought as we think here that had there been evidence to contradict the inference to be drawn from this testimony, the state would not have refrained from introducing it, and that the evidence which was introduced sufficiently showed that there were colored citizens of the county qualified and available for service on the grand jury."

And finally,

"Equal protection of the laws is something more than an abstract right. It is a command which the state must respect, the benefits of which every person may demand. Not the least merit of our constitutional system is that its safeguards extend to all—the least deserving as well as the most virtuous."

Ordinarily, it is assumed that every man who occupies the place of judge in a community is anxious to meticulously apply the law, and is diligent to know the law. It would be a rather peculiar situation to find anyone in a judicial position seeming to want to turn his back upon the law to keep from following it. For, if such a thing should happen, it would but serve to cheapen the law and justice in the eyes of all men, white and black.

**Negroes Do Serve**

Negroes have been serving on grand juries in Houston and Harris County for years without any untoward effects. They serve on the grand jury in the State District Court as well as in the Federal court without any kickback, embarassment or miscarriage of justice.

If the attention of the grand jury commissioners has been called to a procedure which the Supreme Court thinks is illegal and discriminatory, why would that not be enough to cause the grand jury commission to change its practice and comply with the dictates handed down by the Supreme Court? This seems an odd time for intelligent men to be stubbornly insisting upon discriminatory practices against Negroes. Justice is even-handed and there is no excuse for showing discrimination in the meting out of justice. Even in work and in conditions of transportation, the emphasis today is toward equality and justice. It is a throw-back to have anything like designed or deliberate injustice fostered in the courts.

Is it possible that anybody believes that the continued absence of Negroes from grand juries in Dallas has been an accident? The Suprece Court has decided that it has not been an accident; isn't it time for Negroes to be summoned and placed on the grand jury along with other men? Can it be argued that it is fair for an all-white grand jury to indict Negroes, unless it is conceded that an all-Negro grand jury should indict whites? The only answer that is fair would be for Negroes and whites to be called as citizens to indict whoever commits a wrong, whether he is white or black. ut it is no answer to keep insisting that only white people can indict as members of the grand jury in Dallas County.

Journal and Guide
Norfolk, Virginia

## *Note On The Jury System*

From Norfolk Virginian-Pilot

The Ledger-Dispatch correctly quotes the heart of our argument for a commutation by Governor Darden of Odell Waller's death sentence. It is that the murder was motivated by a passionate resentment against a fancied act of injustice, and that Waller's brooding over this injustice, fancied or real, impaired his responsibility. Juries, we said, cannot easily plumb this sort of human involvement, but the Governor can.

JUN 27 1942

But our colleague respectfully points out that the 12-man jury, rather than the single judge or the single pardoning power, is supposed, in Anglo-American jurisprudence, to be the best instrument for appraising the human factors in reaching decisions, being in position "to observe the demeanor of the witnesses and the substance and form of their testimony." Better than the single judge or the single pardoning power, it "will continue to exercise those qualities that border on the emotional rather than the aloof and cold and intellectual."

To which we respectfully reply that it is precisely the vulnerability of juries to emotional appeal that constitutes their principal weakness. That is why counsel for many murderers contrive to win acquittal verdicts by confronting jurors with the presence of the killers' weeping wives and children. That is why so many Negroes tried by white juries for crimes against white persons are given the extreme penalties provided by law, while so many white persons tried by white jurors of crimes against Negroes are given the lightest penalties provided by law or acquitted altogether.

Nothing in what has just been said is intended to be an argument for abolition of the jury system. It is meant to be an argument for a jury system guarded at every possible point against that shallow emotionalism that impairs the quality of its judgments, and against any bias because of an accused's color, social caste or position in the economic pyramid. We do not think that the jury in the Waller case was wholly immuse from these subtle impairments. We know that Governor Darden is. That is why we hope that he will impart into this case the detached, reasoned and impartial judgment that we are not certain it received from the jury of Waller's peers who were his economic and political superiors.

New York Times
New York, N. Y.

## NEGRO HITS JURIES IF ALL ONE COLOR

### *Fought All-White Indictment, Now Fights All-Black One*

WASHINGTON, June 30 (AP)—An Arkansas Negro who once successfully protested against his indictment by an all-white Grand Jury appealed to the Supreme Court today complaining that subsequently he was indicted by an all-Negro Grand Jury, which he contended was equally unfair.

He is C. C. Haraway, who was charged with grand larceny.

After an all-white grand jury had indicted him he was tried and sentenced to five years in prison. The State Supreme Court set aside the conviction because of exclusion of members of his race from the grand jury.

Then a special all-Negro grand jury indicted him and at the trial he was sentenced to two years in prison.

His lawyers contend that "an all-Negro grand jury had been selected as a subterfuge to evade" Haraway's constitutional rights and that he was entitled "to a grand jury selected from the entire district without discrimination."

"It was highly improbable, if not impossible," he said, "by chance and without discrimination to have selected an all-Negro grand jury."

Raleigh, N. C., News & Observer
June 10, 1942

**JUDICIAL SYSTEM.**

To the Editor: At the recent session here of Superior Court an incident occurred in a civil issue in which a Negro man was suing a white woman, which convinces me that certainly in civil issues—perhaps also in criminal issues—we should have a committee of three judges rotating in the district to try both issues of fact and law—a majority ruling on both points.

This article is in no sense a criticism of the three splendid young local attorneys appearing in the case nor of the able, conscientious judge presiding. They all represent the highest type in the profession.

The incident occurred this way: When N. B. Baskerville, the only Negro juryman in the venire for the second week civil term was called into the box, he was stood aside peremptorily by defendant's counsel. This counsel had a perfect right to do under the system of jury selection which now prevails. It is, therefore, the jury system I am criticising, not parties nor attorneys in the suit.

A recent ruling of the United States Supreme Court held that a Negro or Negroes must be included in the venire in certain Southern States where dwell large numbers of Negroes and yet here in a case where a Negro man is plaintiff and a white woman defendant our antiquated, fossilized jury system allows, under peremptory or challenge for cause, the rejection in the trial jury of the only Negro placed in the venire for the protection of Negroes in court actions.

We need a committee of able learned conscientious judges of the high calibre of our Superior Court judges to try all issues of fact and law. This jockeying for position or advantage in the selection of a jury by the acceptance or rejection of jurymen smacks of little dignity. The weakest link—unless it be J. P.'s—in our judicial system is our present constituted jury system.

JOHN B. PALMER.

Warrenton.

Telegraph
Macon, Georgia

## *Decision of All-Negro Jury Fought by Negro*

WASHINGTON. [AP]—An Arkansas Negro who once successfully protested against his indictment by an all-white grand jury, appealed to the supreme court Tuesday complaining that subsequently he was indicted by an all-Negro grand jury, which he contended was equally unfair.

C. C. Haraway, the Negro, was charged with grand larceny in connection with the alleged appropriation for his personal use of food supplied pupils of the Howard county [Arkansas] training school, of which he was principal.

Chicago Defender
Chicago, Illinois

# DECISION OF NEGRO JURY IS APPEALED

## Arkansan Charged With Larceny Says Trial Was Unfair

WASHINGTON—(ANP)—C. C. Haraway, an Arkansan, who previously successfully protested his indictment by an all-white grand jury appealed to the supreme court last week complaining this his subsequent indictment by an all-Negro grand jury was equally unfair.

Haraway, charged with grand larceny in connection with the alleged misappropriation for his personal use of food supplied pupils of the Howard County Training school when he was principal, was tried and sentenced to five years in prison after indictment by the all-white grand jury.

This conviction was set aside by the state supreme court because Negro members had been excluded from the grand jury.

After an all-Negro grand jury indicted Haraway, and he was sentenced to two years in prison, the state supreme court upheld the conviction, saying he had no more grounds for complaint than a white man would have for being indicted by an all-white jury.

The defendant's lawyers, however, contend that "an all-Negro grand jury had been selected as a subterfuge to evade his constitutional rights and that he is entitled to a grand jury selected from the entire district without discrimination.

"It was highly improbable, if not impossible," the lawyers declared "by chance and without discrimination to have selected an all-Negro grand jury."

## All-Negro Jury Didn't Help Him

*By the Associated Press.*

WASHINGTON, June 30.—An Arkansas Negro who once successfully protested against his indictment by an all-white grand jury appealed to the Supreme Court today complaining that subsequently he was indicted by an all-Negro grand jury which he contended was equally unfair.

C. C. Haraway, the Negro, was charged with grand larceny in connection with the alleged appropriation for his personal use of food supplied pupils of a school, of which he was principal.

An all-white grand jury indicted him. He was tried and sentenced to five years in prison. The state Supreme Court set aside the conviction because of exclusion of members of his race from the grand jury.

Then a special all-Negro grand jury indicted him. At the trial he was sentenced to two years. The Supreme Court upheld the conviction.

Black Dispatch
Oklahoma City, Okla.

# LADAY ATTACKS JURY SYSTEM

# Says His Race Is Barred From Rolls In County

### CASE HIGHLIGHTS

Marshall LaDay raised a constitutional issue in his defense Wednesday. He attacked the manner in which the jury commissioners are selected. He alleged Negro citizens are discriminated against in the selection of the jury panel. He asserted the fourteenth amendment to the constitution of the United States and article 15 of the constitution of Oklahoma were thus violated. He asked to be tried by a competent jury which would include members of his own race.

### CASE DETAILS

LaDay, who is charged here in two murder cases, in connection with a fatal auto crash last July 4 in which three white women and one colored woman were killed, filed a motion in district court Wednesday attacking the jury panel and the selection of jury commissioners. He asked that both be set aside.

A hearing will be held on the motion Friday before Judge Lucius Babcock in district court.

The motion alleged that there is discrimination in the selection of the jury panel and that it does not include colored people as provided by law.

The petition claimed the jury commissioners who selected the panel were not legally qualified to act as jury comissioners because they did not take an oath and file it with the county clerk prior to entering upon their duties.

In his motion LaDay contended the jury panel now in attendance upon the court from which a jury is to be chosen to try his cases, has not been drawn in accordance with the law because of discrimination.

Instead of selecting jurors who are qualified electors, the motion alleged, regardless of whether or not they owned property and were listed upon the property rolls, the jury commissioners selected only those citizens who are taxpayers and whose names appear upon the tax rolls.

LaDay said citizens who are not tax payers and whose names are not upon the tax rolls were not considered in the selection of the present panel.

**Alleges Discrimination**

He charged there are 5,500 Negro voters in Oklahoma county who are qualified to act as jurors, many of whom are not on the tax rolls because they have not paid taxes.

LaDay asserted that regardless of whether the names of any colored people were listed on the tax rolls or not, none of them have been called or selected by the jury commissioners to serve as jurors in the district court or any other court in Oklahoma county.

He set forth that at least a proportionate number of Negro citizens should be considered and selected as jurors, but because of their race and color they have been discriminated against in the selection of the jury panels.

LaDay pleads for the right to be tried by a jury of all qualified jurors, including members of his own race, emphasizing that he is a Negro.

**Raises Issue**

He raised the constitutional question in his defense for the first his motion violated the fourteenth amendment to the constitution of the United States. He said it also violated article fifteen of the constitution of the state of Oklahoma.

The jury commissioners under attack are Ed Richards, W. G. Johnston and Albert S. Sanders, all of whom are white.

LaDay's motion was filed by his two white attorneys, Moman Pruiett and Judd L. Black.

His motion appeared to have created quite a stir at the courthouse because it put the entire jury system in the county under legal attack.

### HIGH COURT HAS RULED ON LADAY'S ISSUE

**The United States supreme court has ruled on the issue brought up by LaDay, holding as illegal jury panels drawn on exclusion of Negroes. The court has also ruled that indictments returned by grand juries which excluded Negroes, were illegal.**

Kansas City Call
Kansas City, Mo.

## Spoken Like A Solomon

The Dallas (Texas) News earns warmest praise for its advocacy of Negroes getting their constitutional rights. The particular occasion of its declaration was the placing of a Negro on the grand jury for the first time in the history of Dallas county. It urges white southerners to stop making a bugaboo of the race problem, and to approach the matter constructively, doing justice because only justice becomes them. "Doomsday for inequalities and disparity of opportunities for Negroes," to use its language, is drawing near when papers like the Dallas News are outspoken in condemnation of them.

31-1942

# NEGRO JUROR REFUSES TO VOTE WHITE WOMAN GUILTY

Pittsburg Courier MAR 21 1942

BLOOMINGTON, Ind., Mar. 19 (ANP)—One of the most novel explanations ever given by a juror of his vote in a murder case was that offered by Maurice "Shakespeare" Evans here this week. Evans was the only Negro on the jury which was discharged, after being unable to reach a verdict in a sensational case where Mrs. Caroline Payne, white, was accused of murdering her former lover, Charles Mattingly, also white.

Evans, who is approaching 70 and who has been a barber in the town for years, was one of the three jurors who hung the jury by refusing to vote Mrs. Payne guilty. Evans said, "I do not think a man of my race should ever help to send a white woman to prison."

Daily World
Atlanta, Georgia

# 1st Race Juror In Miami Court

## Dr. Ward Sits On Child Case

MAR 1 1942

MIAMI, —(ANP) —Dr. Elmer A. Ward, well-known colored druggist, sat as a member of Dade County Circuit court jury here Wednesday, the first time with the memory of court house attaches that a Negro had ever been chosen for duty in circuit court in this country.

The appearance of Dr. Ward on the panel was the signal for consternation in the courthouse. When word flew through offices of corridors that a Negro was sitting on circuit jury, the resultant tongue-clacking, as one court attache put it, "exceeded agitated surprise which followed Supreme Court Justice Hugo Black's famous decision which required southern states to include Negroes in jury panels."

The case was an action brought by a colored woman for support for a child she claimed she had borned for a local man, also colored. Ward voted and the foreman reported that he was the first juror to suggest that the defendant be adjudged the child's father. The verdict requires the defendant to pay $50 per year for 10 years toward the support of the child.

Dr. Ward, who is 50, well educated and soft spoken, excited the interest of his fellow jurors and people in the court by his evident culture and self possession. The matter o serving on a jury was quite evident ly taken in his stride. Questioned by reporters for local dailies, he said that he reported for duty, served and voted in the parentage case because he considered it his duty. He also declared that he would have held out for an opposite verdict if he had not been convinced the defendant had fathered the child.

Dr. Ward operates what is said to be the finest drug store in the state.

Kansas City Call
Kansas City, Mo.

# Miami Has Negro on Trial Jury

MAR 20 1942

## Dr. Elmer Ward Druggist Is First to Serve

MAR 20 1942

MIAMI — (ANP) — Dr. Elmer A. Ward, well-known colored druggist, sat as a member of Dade County Circuit court jury here on Wednesday, the first time within the memory of court house attaches that a Negro had ever been chosen for duty in circuit court in this country.

The appearance of Dr. Ward on the panel was the signal for consternation in the courthouse. When word flew through offices and corridors that a Negro was sitting on circuit jury, the resultant tongue-clacking, as one court attache put it, "exceeded agitated surprise which followed Supreme Court Justice Hugo Black's famous decision which required southern states to include Negroes in jury panels." MAR 20 1942

The case was an action brought by a colored woman for support of a child she claimed she had borned for a local man, also colored. Ward voted and the foreman reported that he was the first juror to suggest that the defendant be adjudged the child's father. The verdict requires the defendant to pay $50 per year for 10 years towards the support of the child.

Dr. Ward, who is 50, well educated and soft spoken, excited the interest of his fellow jurors and the people in the court by his evident culture and self possession. The matter of serving on a jury was quite evidently taken in his stride. Questioned by reporters for local dailies, he said that he reported for duty, served and voted in the parentage case because he considered it his duty. He also declared that he would have held out for an opposite verdict if he had not been convinced the defendant had fathered the child. MAR 20 1942

Dr. Ward operates what is said to be the finest drug store in the state.

Nashville, Tenn. Banner
April 3, 1942

# Negro Summoned For Jury Service

For the first time within the memory of veteran attaches of the United States District Court for the Middle District of Tennessee, a Negro is scheduled to serve as a member of a Federal Grand Jury.

Jasper C. Horne, Negro lawyer of Nashville, custodian of the Andrew Jackson Courts, 1457 Jackson Street, has been summoned for jury service on the next Federal Grand Jury, which will begin its deliberations on April 20. Horne's name is among the large venire which has been summoned for service. Several important cases are scheduled to come up before Federal Judge Elmer D. Davies during the next term of court.

Horne said today he had received the summons and that he was glad of the opportunity to serve his country in the capacity of a federal grand juror.

Chicago Defender
Chicago, Illinois

# ODELL WALLER DEFENSE CITES VA. POLL TAX

## Finds Majority of State's Residents Barred From Jury Services

APR 11 1942

NEW YORK CITY — For the first time the Supreme Court of the United States is asked to decide directly whether the Fourteenth Amendment prohibits a state from denying equal protection of the laws to an entire economic class, irrespective of race or color, or whether such prohibition is limited to denials of equal protection solely on account of race or color.

This question is presented by a petition for certiorari filed in the Supreme Court April 2 by John F. Finerty, as counsel for Odell Waller, a sharecropper under sentence of death in Virginia for killing his farmer white landlord, Oscar Davis, in claimed self-defense.

Governor Darden of Virginia postponed Waller's execution until May 19 in order that this question might be presented to the Supreme Court. Waller's defense is sponsored by the Waller Defense League.

APR 11 1942

The question arises because the Supreme Court of Appeals of Virginia on January 22 dismissed Waller's petition for habeas corpus although that petition was suported by affidavits showing that the state of Virginia makes the payment of poll taxes a qualification in fact, though not in law, for both grand and petit jury service.

Thereby the state systematically excludes from all jury service, as well as from the right to vote, over 80 per cent of the entire adult population of Pittsylvania county, where Waller was convicted, who because of their economic disabilities are unable to pay poll taxes.

The case also involves, incidentally, the constitutionality of the poll tax laws not only of Virginia but of other southern states.

Age-Herald
Birmingham, Ala.

# JURY METHODS ATTACKED HERE

## Negroes' Names Are In Box, Secretary Of Board Asserts

NOV 12 1942

Lengthy testimony regarding the names of Negroes in the Jefferson County jury box and the methods of obtaining these names was heard by Judge J. Russell McElroy in Circuit Court Tuesday in the case of Joe Vernon, a Negro, charged with the murder of Ben Montgomery, a Woodlawn High School boy in an alleged robbery of a filling station at 47th Street and First Avenue, North, Sept. 20, 1937. NOV 12 1942

Attacking the indictment and the jury box for alleged discrimination against Negroes in filling the jury box, Walter S. Smith, attorney for the defendant, placed a large number of Negroes on the stand Monday to testify that they knew of no Negroes serving on a grand jury in Jefferson County.

Tuesday P. D. Posey, secretary of the Jefferson County Jury Board, spent most of the day on the stand testifying to the method of obtaining names to be placed in the jury box and reading a long list of names of men residing in Negro sections, whom he said were Negroes and whose names were in the jury box. He was examined by Attorney Smith about a list of 140 Negro preachers, doctors and business leaders. The names of seven of these, he said, were in the box at addresses given.

Hugh W. Brown, president of the Jury Board, was placed on the stand and testified that he believed the names in the jury box constitute a fair cross section of the male citizenship of the county. Judge McElroy held court late again Tuesday. NOV 12 1942

An Associated Press dispatch from Montgomery Tuesday said L. C. Bell, Birmingham Negro, who has occupied a death cell in Kilby Prison now for over two years, received his 23rd reprieve from Gov. Dixon.

Convicted of murder, Bell last was scheduled to die Nov. 13. He was reprieved Tuesday until Jan. 15, pending completion of court action in the companion case of Joe Vernon.

Telegraph
Macon, Georgia

# Negro Woman Serves as Juror But Can't Collect Any Pay

MAY 1 3 1942

Zephyr M. Pitts, a Negro woman school teacher, of 659 Spring street, has the distinction to be the first woman, and the first Negro woman, of course, to report to Bibb county superior court for duty.

Through some unexplained mix-up in drawing the jury list her name was included during this term of the superior court.

Yesterday Guyton Sloan, deputy clerk of court, called the roll of the jury and was puzzled again at the thin voice which answered when the name of "Zephyr Pitts" was called.

He mentioned it to Jldge A. M. Anderson who doubtfully called the prospective juror for questioning. Down from the balcony came the Negress.

MAY 1 3 1942

The judge politely explained that it was unlawful for a woman to serve on a jury and excused her from further duty.

However, she had dutifully reported for service two days before the error was discovered, but as it was unlawful to include her name in the first place, the county could not pay her for the time she had reported.

Chicago Defender
Chicago, Illinois

## Call First Negro Juror In Halifax, N. C. County

ROANOKE RAPIDS, N. C.—(ANP) — For the first time since 1898, a Negro sat on a Halifax County jury box for three days last week during a session of Superior court.

MAY 9 - 1942

He was Jimmy Lane of Enfield. Although called to the box for duty, he did not sit on a case because jury action was not needed during the entire three days of criminal court, which is also something of a record for Halifax county.

Black Dispatch
Oklahoma City, Okla.

# Dalls Negro Wins Appeal In High Court

JUN 20 1942

**Excluding of Negroes From Juries is Grounds For U. S. Ruling**

DALLAS—In a special decision which may make legal history and bring about a radical change in Dallas County criminal law procedure, the United States Supreme Court in Washington Monday reversed the conviction of a Dallas County Negro for criminal assault because Negroes were excluded from the grand jury which indicted him.

In a unanimous decision rendered by Chief Justice Stone, the court held that the Negro, Henry Allen Hill, had made a "prima facie case" of racial discrimination in the selection of grand jurors.

Stone said it could hardly be by chance or accident that Negroes had been omitted from the grand juries in the county continuously for a period of sixteen years or more.

o o

**Negroes Omitted**

"The jury commissioners, although the matter was discussed with them, conspicuously omitted to place the name of any Negro on the jury list," Stone said, "they made no effort to ascertain whether there were within the county members of the colored race qualified to serve as jurors, and if so who they were. They thus failed to perform their constitutional duty.

Stone said there was "no room for the inference" that no Negroes were qualified for grand jury service in a country where there were such a large number of colored male residents who were literate and otherwise qualified.

Regardless of the guilt or innocence of the accused, the constitution prohibits racial discrimination in the formation of grand juries under the "equal protection" clause, Stone said.

o o

**Galdin's First Case**

"It is a command which the state must respect, the benefits of which every person may demand," the court said. "Not the least merit of our constitution system is that it safeguards extend to all—the least deserving as well as the most virtuous."

Hill was convicted in the criminal assault of a white woman that occured in the fall of 1940, early one morning at the railroad underpass near Parkland Hospital, District Attorney Dean Bauldin said. The trial was Gauldin's first major case after taking office.

The Negro was convicted and assessed the death penalty in the case. The court of criminal appeals in Dallas upheld the conviction.

The case was carried to the Supreme Court on the sole basis that Negroes were not allowed to serve on Dallas County juries, Gauldin said. The high tribunal received the appeal about ten days ago.

Tampa, Fla. Tribune
October 21, 1942

# Negro Serves On Jury Here In Civil Case

A Negro served on a circuit court jury yesterday for the first time in the memory of courthouse old-timers.

The juror, S. P. Foster, 67, 1613 Governor st., is a janitor for the Dobyville Negro school.

He sat with five white men in the trial of a suit for $10,000 brought by Marvin H. Tuma, former wiper in a ship's engine room, against Cone Bros. Construction company for injuries received when the street car in which Tuma was riding was hit by a Cone Bros. truck March 21.

Each side in a case can dismiss three prospective jurors without cause, but attorneys for neither side objected to his serving.

The jury awarded Tuma a judgment of $2000. Tuma was represented by C. J. Hardee and Raleigh T. Barber. Cone Bros. was represented by William H. Jackson and John J. Twomey.

Chicago Bee
Chicago, Illinois

# The Supreme Court

LAST week the United States Supeme court reversed two decisions where Negroes had been convicted in the Texas court on the ground that their convictions were illegal on the ground of the systematic exclusion of Negroes from the grand jury and because of force used in securing a confession.

We joy in the [illegible] expressed by the Supreme court in these two cases as well as in other cases where the rights of oppressed groups have been given liberal recognition. There is, however, much room for regret when the matter of rights to minority groups is viewed from an objective angle in the light of the practices of certain states that systematically deny to them the due process of law.

It would seem obvious that all southern states should have stopped long ago discriminating against colored people in the selection of members for the grand and petit juries. Even the state of Texas has been told in the same or similar language that it was denying to colored people their rights when they were excluded from the juries in other cases. But, despite the previous criticism of the Supreme court, a colored man must yet carry his case all the way to the Supreme court before he is told what the state court is supposed to do. Mind you, the Supreme court in most cases only reverses decisions and send them back to the state court to be retried. The state courts can again violate the law in some other respect and again make it necessary for the case to be appealed. Remember the oft-appealed Scottsboro and Bob White cases that were never won in the courts?

When you consider the fact that it takes several thousand dollars to appeal a case to the Supreme court, you at once can assure yourself that for most of the colored people accused of crime in the southern states their Supreme court is the court where the case is first heard.

JUN 14 1942

That fact brings us to the next part of this discussion. It gets us nowhere, legally speaking, when the Supreme court tells a state court that it is denying to a person a right to a fair and impartial trial if the state continues such acts. It is hardly necessary to suggest that there ought to be some sort of penalty for overt violation of the laws that have been enacted by the Federal government and interpreted by the Supreme court.

It would seem that once the Supreme court rules that it is a violation of the Constitution to systematically exclude Negroes from the petit or grand juries, that that de[cision] ought to carry the force of a man[date] to all states where Negroes live and [violation] thereof ought to carry more tha[n] the threat of being reversed if and when [a] similar case is appealed to the higher court[s]. Why make it necessary for a person to hav[e] to appeal? Why cannot the officials of th[e] state be guilty of a crime for subjecting th[e] life of a person to illegal jeopardy when the[y] refuse to comply with the supreme law o[f] the land?

Kansas City Call
Kansas City, Mo.

Nov. 13, 1942

## ON U. S. JURY.

Carl B. Abbott of Sedalia, Mo., one of the 3 Negroes who served on the federal grand jury in Jefferson City which convicted John E. Long, white, of refusing to register for Selective Service. Long, a minister of Jehovah's witnesses, received a 5-year sentence. It was one of the first times that a Negro ever served on a federal jury in the western district of Missouri. Abbott is commander of the Clay T. Henderson legion post, director of men's organizations for the United Negro Democrats of Missouri, treasurer of the local N.A.A.C.P. and is an ardent worker for civic improvement in Sedalia. The other jurors were Lee Kelly of California and Joe Trigg of Jefferson City.

Birmingham, Ala., Age-Herald
November 11, 1942

# JURY METHODS ATTACKED HERE

## Negroes' Names Are In Box, Secretary Of Board Asserts

Lengthy testimony regarding the names of Negroes in the Jefferson County jury box and the methods of obtaining these names was heard by Judge J. Russell McElroy in Circuit Court Tuesday in the case of Joe Vernon, a Negro, charged with the murder of Ben Montgomery, a Woodlawn High School boy in an alleged robbery of a filling station at 47th Street and First Avenue, North, Sept. 20, 1937.

Attacking the indictment and the jury box for alleged discrimination against Negroes in filling the jury box, Walter S. Smith, attorney for the defendant, placed a large number of Negroes on the stand Monday to testify that they knew of no Negroes serving on a grand jury in Jefferson County.

Tuesday P. D. Posey, secretary of the Jefferson County Jury Board, spent most of the day on the stand testifying to the method of obtaining names to be placed in the jury box and reading a long list of names of men residing in Negro sections, whom he said were Negroes and whose names were in the jury box. He was examined by Attorney Smith about a list of 140 Negro preachers, doctors and business leaders. The names of seven of these, he said, were in the box at addresses given.

Hugh W. Brown, president of the Jury Board, was placed on the stand and testified that he believed the names in the jury box constitute a fair cross section of the male citizenship of the county. Judge McElroy held court late again Tuesday.

An Associated Press dispatch from Montgomery Tuesday said L. C. Bell, Birmingham Negro, who has occupied a death cell in Kilby Prison now for over two years, received his 23rd reprieve from Gov. Dixon.

Convicted of murder, Bell last was scheduled to die Nov. 13. He was reprieved Tuesday until Jan. 15, pending completion of court action in the companion case of Joe Vernon.

*On Federal Jury*
Birmingham, Ala.

"The Weekly Review"

**C. W. PETERS**

Who served on the Federal Jury in Jasper this week. Mr. Peters is auditor for the Booker T. Washington Burial Insurance Co., and is known throughout the state and nation in insurance circles. He has been in Birmingham for the past nine years.

31-1942
Chicago Defender
Chicago, Illinois

MISSOURI

# JURY FOREMAN RESIGNS OVER NEGRO MEMBER

## St. Louis Real Estate Man Tells Judge He Won't Sit

NOV. 28, 1942

ST. LOUIS, Mo.—Because he feels it is below the dignity of a white man to serve on the same jury panel with a Negro, Robert Burns, white real estate dealer, resigned as foreman of a grand jury called to investigate police brutality in this city.

Burns, however, failed to include his objection to the presence of a Negro on the jury among the reasons he cited to Judge Harry A. Russell in tendering his resignation.

The jury foreman's real reasons for resigning were made public by Judge Russell in defending himself against charges made by Burns in his formal letter of resignation.

Burns, in resigning, declared that Judge Russells' action and instructions to the jury were not in the best interest of justice."

**Tells Details**

In his statement, the judge said he wished to correct certain misstatements made by Burns and proceeded to divulge details of a private conversation with the dissatisfied juror.

He quoted Burns as saying, 'From the very first moment you placed me on this grand jury, I wanted to resign, because you put a Negro on the grand jury and I believe it is beneath the dignity of 11 white men to observe with a Negro on the grand jury."

Judge Russell also stated that Burns objected to labor representatives present on the jury saying, "I don't like to work with them. They won't go along with the rest of the grand jury."

When questioned about his statement regarding the Negro member, Burns hesitated and then said, "Well, I won't dispute what the judge says. If he says I said that, I guess I did."

James E. Stovall, manager of the Universal Life Insurance company is the only Negro selected for the jury duty.

31-1942

TENNESSEE

# Tenn. Judge Names First Negro Juror In Past 72 Years

PITTSBURGH, PA

## *Manager of Government Housing Project To Serve As One of 23 Jurors in Federal Court Sworn In.*

PITTSBURGH COURIER

NASHVILLE, Tenn., Apr. 30—Jasper C. Horne, manager of a colored housing project here, was sworn in as one of 23 jurors in Federal Court, the first time since 1870 that a colored man has been placed on a jury here.

Horne immediately was assigned to the grand jury by Federal Judge Elmer Davies.

MAY 2 - 1942

Judge Davies said that naming of Horne to the jury was in accordance with instructions he issued when he took office in 1939 that the names of colored as well as white citizens be included in the jury box for possible service. He said that he wanted to avoid all signs of racial discrimination in the selection of both grand and petit juries.

MAY 2 - 1942

The jury, of which Horne is a member, will serve until the fall term of federal court which begins in September. It is charged with the investigation of all federal law violations and has the power of returning indictments in federal cases.

Horne, a licensed attorney, said of his appointment:

"I am delighted to be of service to my country in this war time. Every man should do his duty and I am delighted that they have asked me to serve in this manner."

MAY 2 - 1942

Thurgood Marshall, attorney for the Association for the Advancement of Colored People, hailed the appointment of Horne as a forward step for the race in Tennessee.

Nashville, Tenn. Banner
May 14, 1942

## Indictment Attacked On Race Question

Z. Alexander Looby, Negro lawyer, has filed a plea in abatement before Judge Charles Gilbert in Division I, Criminal Court, on behalf of William Walker, Negro, recently indicted on charges of criminal assault and highway robbery. Looby insists that Walker's constitutional rights were infringed because there were no Negroes on the Grand Jury which returned the indictment.

Looby has raised the question of having Negroes on Davidson County juries before and courts have ruled against him and his pleas. The plea in abatement filed yesterday cites numerous grounds to show that Walker's case is or will be prejudiced by the fact that no member of his race considered the indictment before it was granted. Walker is charged with robbing and criminally assaulting a white woman on April 5, 1942.

Chicago Bee
Chicago, Illinois

## All-Negro Jury As Unfair As All White—Man Says

WASHINGTON, D. C., July 16—(CCNS)—An all-Negro grand jury is just as unfair as one without any Negroes in it, it is contended in the appeal to the United States Supreme court of an Arkansas Negro, who was indicted on the same charge by juries of both kinds.

After successfully protesting indictment on a grand jury ceny charge by an all-white y, the State Supreme court, ving set aside the subsequent nviction because of exclusion of embers of his race from the and jury, the defendant was dicted by an all-Negro jury.

In his appeal to the Supreme urt from his conviction following the second indictment, the cused, C. C. Haraway, comains that the all-Negro grand ry was equally unfair.

"An all-Negro grand jury had

en selected as a subterfuge to ade defendant's constitutional ghts," his lawyers contend, adding that he is entitled "to a grand ry selected from the entire dis-ct without discrimination."

"It was highly improbable, if t impossible, they assert, "by ance and without discrimina-n to have selected an all-Ne-o grand jury."

TEXAS

31-1942

# The First Time in Dallas Negro on Grand Jury

Daily Worker
N.Y., N.Y. SEP 29 1942

(Special to the Daily Worker)

SEP 29 1942

DALLAS, Texas, Sept. 28. — A Negro's presence on the Grand Jury for the first time in the history of Dallas County was praised here last week by the Dallas Morning News. The paper said that although the action "may go against the grain of some who are steeped in the Southern tradition," it was a wise and correct move.